

**DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**EDWARD ANDREW,**

**Defendant.**

**2009-MJ-0006**

**TO: Evan Rikhye, Esq., AUSA**  
**Patricia Schrader-Cooke, Esq., AFPD**

**ORDER VACATING NOTICE OF CRIMINAL APPOINTMENT OF COUNSEL**

THIS MATTER came before the Court for preliminary hearing on April 9, 2009. Evan Rikhye, Esq., AUSA, represented the government. Pursuant to Notice of Criminal Appointment of Counsel (Docket No. 4), Patricia Schrader-Cooke, Esq., AFPD, appeared on behalf of Defendant.

At hearing, the Court noted that the charges against Defendant are misdemeanors or petty offenses. It is well-established that the right to appointed counsel “in misdemeanor and petty offense prosecutions is . . . triggered only if the defendant is actually sentenced to a term of imprisonment.” *United States v. Pollard*, 389 F.3d 101, 103

*United States v. Andrew*

2009-MJ-0006

Order Vacating Notice of Criminal Appointment of Counsel

Page 2

(4<sup>th</sup> Cir. 2004) (citations omitted). Consequently, the Court finds that the appointment of the Federal Public Defender to represent Defendant was entered in error.

The Court advised Defendant, in open court, that, while he did have the right to counsel, he did not have the right to appointed counsel and that he would need to retain private counsel in the event he so desired.

Being advised in the premises and being fully satisfied therein, it is now hereby **ORDERED** that the Notice of Criminal Appointment of Counsel is **VACATED**.

ENTER:

Dated: April 9, 2009

/s/ George W. Cannon, Jr.  
GEORGE W. CANNON, JR.  
U.S. MAGISTRATE JUDGE